

Accountability, Assessments and Transparency

How the proposed regulations for Title I and pilot programs support the
No Child Left Behind Act

April 2008

The U.S. Department of Education is proposing new regulations for Title I of the ESEA with the intent of building on the advancements of state assessment and accountability systems, as well as strengthening the public school choice and supplemental educational services (SES) provisions of the No Child Left Behind Act of 2001. The regulations also incorporate key feedback from the field.

Earlier this year, the department announced a “differentiated accountability” pilot program under No Child Left Behind aimed at helping states differentiate between underperforming schools in need of dramatic interventions and those that are closer to meeting the goals of No Child Left Behind.

Proposed Regulations for Title I

➤ Assessments and Multiple Measures

There is a misunderstanding among some in the field that accountability under Title I must be based on a single measure or form of assessment.

Proposed regulation: Clarify that measures of student academic achievement may include multiple question formats (e.g., multiple choice, extended response) that range in difficulty within a single assessment, as well as multiple assessments within a subject area (e.g., reading and writing assessments to measure reading/language arts).

➤ Strengthening State Assessment and Accountability Systems

Regular access to a group of experts with knowledge in the fields of education standards, assessments, accountability systems, statistics and psychometrics would help ensure that state standards and assessments are of the highest technical quality.

Proposed regulation: Require the creation of a National Technical Advisory Council (National TAC) to advise the secretary on key technical issues related to state standards, assessments and accountability systems. The National TAC would focus on significant, complex issues that affect all states. The secretary would select the 10 to 15 members who would make up the National TAC from nominations from the public.

➤ Minimum Subgroup Size and Inclusion of Students in Accountability

Currently, there are many students and subgroups of students whose achievement data are excluded from adequate yearly progress (AYP) determinations at the school level. Data are excluded when states establish large minimum subgroup sizes and add other components (e.g., confidence intervals; definitions of “full academic year”) to their AYP definitions.

Proposed regulation: Require states to explain in their state accountability workbooks how the minimum subgroup size and other components of their AYP definitions (e.g., confidence intervals,

indexes, definitions of “full academic year”) combine to provide statistically reliable information. States also would be required to ensure that the maximum number of students and subgroups are included in AYP determinations. Additionally, states would be required to include the number and percentage of students and subgroups excluded from school-level accountability determinations in their accountability workbooks.

No later than six months after the effective date of the regulations, states would be required to submit their accountability workbooks to the Department for technical assistance and peer review. The Department plans to use the National TAC to help determine guidelines by which states’ accountability workbooks will be reviewed.

➤ **Inclusion of NAEP Data on State and Local Report Cards**

More information about how students in a state are performing on state assessments as compared to how those students are performing on the National Assessment of Educational Progress (NAEP) would provide greater transparency about state standards and assessments. This information also would provide parents with another tool to assess the education systems in their states.

Proposed regulation: Require states and districts to report the most recent available results from the state NAEP reading and mathematics assessments on the same public report card that they use to report the results of state assessments.

➤ **Graduation Rates Within *NCLB***

Uniform Definition of “Graduation Rate” -- Current regulations give states latitude in determining how public high school graduation rates are calculated. A uniform and accurate method of calculating graduation rates is needed to raise expectations and to hold schools, districts, and states accountable for increasing the number of students who graduate on time with a regular high school diploma.

Proposed regulation: Establish a uniform definition of the graduation rate that is consistent with the definition agreed to by the National Governors Association (NGA).

- The graduation rate would be defined as the number of students who graduate in a given year within the standard number of years with a regular high school diploma divided by the number of students who entered high school four years earlier (adjusting for transfers in and out). The standard number of years to earn a high school diploma would be four years.
- States would be able to propose, for approval by the secretary, an alternate definition of “standard number of years” for limited categories of students who, under certain conditions, may take longer to graduate than the standard four years.
- A state that does not have a system to accurately track students who transfer to another educational program that culminates in the award of a regular high school diploma, which is needed to calculate the NGA graduation rate, would use the averaged freshman graduation rate (AFGR) on a transitional basis.
- By 2012–13, all states would have to use the more rigorous NGA definition of graduation rate.

Graduation Rates and AYP -- Under current regulations, in order to make AYP, most states require schools to make only a small amount of improvement from one year to the next or to meet very low graduation rate goals (e.g., 50 percent). Permitting schools and districts with extremely low graduation rates or minimal levels of improvement to make AYP does not provide sufficient accountability for ensuring that students graduate on time.

Proposed regulation: States would be required to:

- Set a graduation rate goal (e.g., 90 percent) that represents the rate they expect all high schools to meet; and

- Define how schools and districts may demonstrate continuous and substantial improvement from the prior year.

To make AYP, a school or district would have to meet the graduation rate goal or demonstrate continuous and substantial improvement from the prior year.

Disaggregation of Graduation Rates -- Current regulations do not require disaggregated graduation rate data (i.e., data broken down by student subgroups) to be included in AYP determinations. Data show large disparities in the graduation rates of different subgroups. Simply requiring disaggregated data to be reported has not been sufficient to ensure that graduation rates improve for all students.

Proposed regulation: Require disaggregated graduation rates to be taken into account in AYP determinations. No later than the 2012–13 academic year (when all states must use the NGA rate), states would be required to disaggregate the data by subgroup at the school and district levels to determine and report AYP. Prior to the 2012–13 school year, states would have to disaggregate the data at the school, LEA, and state levels for reporting purposes, but only at the LEA and State levels for determining AYP.

➤ **Including Individual Student Growth in AYP**

There is general consensus among teachers, administrators, researchers, and advocates that states should be permitted to include measures of individual student growth (i.e., growth models) when determining AYP. By allowing states to include measures of individual student progress in AYP calculations, schools will continue to be held accountable for the achievement of all students. At the same time, states will have the flexibility to use more sophisticated methods of determining AYP.

Proposed regulation: Set the criteria that states must meet in order to incorporate individual student academic progress into their definitions of AYP. The proposed regulations build on criteria that are part of the current **“growth model” pilot program**.

➤ **Same Subject-Same Subgroup Identification for Improvement**

Limiting the identification of schools and districts that are “in need of improvement” to those that do not meet the annual measurable objective (AMO) in the same subject for the same subgroup over consecutive years is inconsistent with the law’s accountability provisions. The law requires that every subgroup meet the state’s AMO in each subject, each year.

Proposed regulation: Codify current Department policy that a district may base improvement status on whether a school missed AYP because it did not meet the AMO in the same subject (or meet the same academic indicator) for two consecutive years. A district may not, however, limit identification for improvement to those schools that missed AYP only because they did not meet the AMO in the same subject (or meet the same academic indicator) for the same subgroup for two consecutive years.

➤ **Restructuring**

Based on available data, the Department is concerned that the restructuring requirements are not being implemented effectively, and in some cases, not at all.

Proposed regulation: Require the following:

- Interventions implemented as part of a school’s restructuring plan must be significantly more rigorous and comprehensive than the corrective action plan that the school implemented after it was identified as in need of improvement.
- Districts must implement interventions that address the reasons why a school is in the restructuring phase.

- In replacing all or most of the school staff, a district may include replacing the principal; however, replacing the principal alone would not be sufficient to constitute restructuring.

Differentiated Accountability Pilot Program (announced March 18, 2008)

- Differentiated accountability means creating a more nuanced system of distinguishing between schools in need of dramatic intervention, and those that are closer to meeting goals.
- This flexibility will help states do what is necessary to enable all students to read and do math at grade level or better by 2014 in a more effective and efficient manner.
- Differentiated accountability is not about lessening the focus on all students reaching grade level in reading and mathematics or lessening the imperative to fix struggling schools.
- In return, states must commit to: build their capacity for school reform; take the most significant actions for the lowest-performing schools, including addressing the issue of teacher effectiveness; and use data to determine the method of differentiation and categories of intervention.

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